

SUPPLEMENTAL DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Please delete on page 1 after the "BACKGROUND OF THE INVENTION" the phrase "This application is a continuation of USSN 10/646,982, filed August 22, 2003 and claims benefit of said prior application"

This examiner's amendment is made because an application can not be a continuation of itself. No other changes have been made to this application.

Allowable Subject Matter

2. Claims 1-7, 9, 11-18 and 20-22 are allowed.

3. The following is an examiner's statement of reasons for allowance: The prior art, alone or in combination, fails to teach and/or fairly suggest a combination of a fuel and a lubricant for an internal combustion engine, wherein said lubricant comprises an oil of lubricating viscosity and said lubricant is characterized by having an ash content below 1.0 wt% and at least one property selected from the group consisting of (i) a phosphorus content of less than 0.05 wt%, (ii) a sulfur content of less than 0.5--wt% and (iii) a chlorine content of less than 100 ppm and said fuel is an emulsified fuel as found in instant claim 1. Additionally, the prior art fails to teach an internal combustion engine comprising the above described and instantly claimed combination of a fuel and lubricant.

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4. The closest prior art would be to WO 01/97952 which teaches emulsified fuels for combustion engines. The instant invention is distinguished over the closest prior art because WO 01/97952 fails to teach the required lubricant and the specific emulsifiers utilized in the present invention. The combination of WO 01/97952 with Filippini et al (2004/0111957), Mullay et al (2004/0111955), JP 57-055995, WO 2002/79353 or EP 242832 and either WO 02/24842 or Carrick et al (6,583,092) fails to render the instant invention obvious because while the secondary references teaches lubricants for use in combustion engines they fail to teach lubricants that are characterized as instantly claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sanza L McClendon/
Primary Examiner
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